



Express Mail No.: **EV 913 329 280 US**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Donald J. KYLE et al.

Confirmation No.: 8122

Application No.: 10/625,708

Group Art Unit: 1624

Filed: July 24, 2003

Examiner: Kahsay Habte, Ph.D.

Title: THERAPEUTIC AGENTS USEFUL
FOR TREATING PAIN

Attorney Docket No.: 6750-174-999
(CAM No.: 305158-999172)

**THIRD SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. §§ 1.56 and 1.97**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. §§ 1.56 and 1.97 to inform the Patent and Trademark Office (“Office”) of all references coming to the attention of each individual associated with the filing and prosecution of the above-identified application that are or may be related to patentability of the claimed invention, Attorneys for Applicants hereby invite the Examiner’s attention to references **C41** and **C42**, which are listed on the accompanying Form PTO-1449 entitled “Information Disclosure Statement By Applicant.” This Third Supplemental Information Disclosure Statement supplements the:

- Continuation Of Supplemental Information Disclosure Statement filed on February 17, 2006;
- Supplemental Information Disclosure Statement filed on February 16, 2006;
and
- Information Disclosure Statement filed on October 5, 2005.

As discussed on pages 2-3 of the Amendment filed herewith, Applicants note that reference **C42** was provided in error with the Office Action mailed April 27, 2006. However, reference **C42** was not listed on the PTO-892 Notice of References Cited accompanying that

Office Action. Reference **C41**, believed to be the German language original from which reference **C42** arose, was not provided with the Office Action mailed April 27, 2006 and was not listed on the PTO-892 Notice of References Cited accompanying that Office Action. Therefore, a legible copy of each of references **C41** and **C42** is submitted herewith.

No admission is made that the information cited in this Third Supplemental Information Disclosure Statement is, or is considered to be, material to patentability and no representation is made that a search has been made. 37 C.F.R. §§ 1.97(g) and (h).

Applicants request that the Examiner review the references identified on the attached Form PTO-1449 and that they be made of record in the file history of the above-identified application.

This Third Supplemental Information Disclosure Statement is filed under 37 C.F.R. § 1.97(c) after the period specified in 37 C.F.R. § 1.97(b), but before the mailing date of any of a final action under 37 C.F.R. § 1.113, a notice of allowance under 37 C.F.R. § 1.311 or an action that otherwise closes prosecution in the application. However, the Applicants believe that no fee is due because the \$180.00 fee set forth in 37 C.F.R. § 1.17(p) in accordance with 37 C.F.R. § 1.97(c) was paid with the Supplemental Information Disclosure Statement filed on February 16, 2006. Please charge any required fee to Jones Day Deposit Account No. 50-3013.

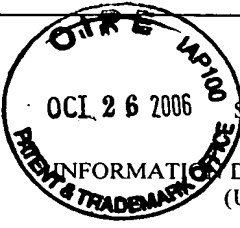
Respectfully submitted,

*Samuel B. Abrams by
George A. Smith 42,140*
30,605

Date: October 26, 2006

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Enclosures

 Substitute for Form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY DOCKET NO. 6750-174-999 (CAM: 305158-999172)	APPLICATION NO. 10/625,708
	APPLICANT: Donald J. KYLE et al.	
	FILING DATE: July 24, 2003	ART UNIT: CONF. NO.: 1624 8122

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS*	Cite No.	DOCUMENT NUMBER	DATE MM/DD/YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A28				

FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS*	Cite No.	Country Code, Number, Kind of Code (if known)	DATE MM/DD/YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
	B29					YES	NO

NON PATENT LITERATURE DOCUMENTS

EXAMINER'S INITIALS*	Cite No.	<i>Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, etc.), date, page(s), volume, publisher, city and/or country where published., etc.</i>
	C41	Toldy et al., <i>Acta Chim. (Budapest)</i> 70(1-2):101-122 (1971) (in German)
	C42	Toldy et al., <i>Acta Chim. (Budapest)</i> 70(1-2):101-122 (1971) (purported English translation of C41 obtained from the USPTO (as PTO 06-3959 dated April 2006))
	C43	

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	